REMARKS

Claims 1-43, 45, 46, 48-74 are pending in this application, with claim 42 withdrawn from consideration.

Applicant thanks the Examiner for the allowance of claim 40, and for the indication of allowable subject matter in claims 12, 23, and 24.

Applicant has added new claim 74 to more completely claim the invention.

Claims 1-11, 53-56, 62 and 68 stand rejected under 35 U.S.C. 112, second paragraph. The amendments to the claims are believed to overcome this rejection. Applicants therefore respectfully request reconsideration and withdrawal of this rejection.

Claims 1-11, 13-22, 25-39, 41, 43, 45, 46 and 48-73 stand rejected under 35 U.S.C. 112, first paragraph. The Examiner states that the specification does not explicitly describe the feature "each kernel ...is capable of running simultaneously with any of the plurality of kernels." Applicant has removed this language from the claims and therefore requests withdrawal of this rejection.

Claims 1-28, 51-57, 62, 63, 68 and 69 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended the claims to recite <u>hardware</u> kernels. The claims are therefore not merely directed to software, but also include hardware. Reconsideration and withdrawal of this rejection is therefore respectfully requested. Applicants request withdrawal of this rejection.

Claims 13-15, 19-22, 25-29, 37, 49-51, 52, 55, 57-59, 63-65 and 69-71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharrit et al. (U.S. Patent No. 5,999,990) in view of Songer et al. (U.S. Patent No. 6,763,327).[1] Claims 1-11, 16-18, 30-36, 38, 39, 41, 43,

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[1] Although the statement of the rejection includes claims 23 and 24, it is clear from reading the Office Action as a whole that these claims were not meant to be included.

45, 46, 48, 53, 54, 56, 60-62, 66-68, 72 and 73 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over Sharrit in view of Savitzky et al. (U.S. Patent No. 5,732,261) and further in

view of Songer. [2]

Claim 13 recites "a plurality of software objects including a first subset of software

objects, each software object in said first subset of said software objects **associated with a**

different hardware kernel in said plurality of hardware kernels" (emphasis added).

Sharrit's controller 16 has access to a library of configuration files that can be used to

reconfigure the plurality of reconfigurable resource units (RRUs) according to a desired

allocation plan. To support varying system requirements, the communicator 10 is capable of

receiving and implementing new configuration files from an exterior environment. Sharrit

recites, "if the communicator is to support a new or modified signal format, one or more

configuration files associated with the signal format can be delivered to the communicator [10]

for use therein." *See* Sharrit, Col. 1, line 66 to Col. 2, line 3.

Even assuming that an RRU is equivalent to a hardware kernel, Sharrit does not teach or

suggest a one-to-one relationship between a configuration file and an RRU. Sharrit employs a

configuration file management unit 78 for receiving configuration files from multiple sources on

an as-needed basis. In accordance with Sharrit:

> "If a desired configuration file is not located within memory 18, alternate
> sources of configuration information are provided. For example,
> configuration file management unit 78 is operative for receiving configuration
> files from multiple sources and for organizing and tracking the configuration
> files within the memory 18 (using memory interface 82). In a preferred
> embodiment, the configuration file management unit 78 is coupled to: (a) the
> user interface 28 for receiving configuration files from a user, and (b) antenna

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[2] Although the statement of the rejection did not include claims 53 and 54, it is clear from reading the Office Action
as a whole that these claims were meant to be included.

32 for receiving configuration files from an exterior source, via a wireless communication channel."

Sharrit, Col. 7, lines 56-67.

Thus Sharrit does not teach or suggest a "virtual machine interface comprising a plurality of software objects … , said software objects associated with a different hardware kernel in said plurality of hardware kernels," as required by independent claim 13.

Songer and Savitzky fail to make up for the deficiencies in Sharrit. Thus, independent claim 13, along with its dependent claims, are patentable over the applied references.

Applicant submits that the above argument can be equally applied to independent claims 1, 29, 37, 43, and 46. Thus these independent claims, along with their dependent claims, are patentable over the applied references for at least the same reasons as discussed above for independent claim 13.

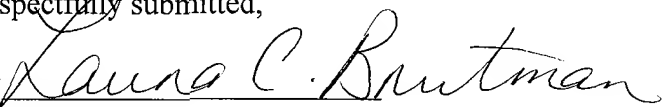In view of the above, it is believed that the application is in condition for allowance

If there are any other issues remaining which the Examiner believes could be resolved through either, a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

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Respectfully submitted,

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